

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 228

SENATE BILL 1150

AN ACT

AMENDING SECTIONS 32-2801 AND 32-2812, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 28, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2819; AMENDING SECTION 32-2821, ARIZONA REVISED STATUTES; RELATING TO RADIOLOGY CERTIFICATE HOLDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2801, Arizona Revised Statutes, is amended to
3 read:

4 32-2801. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Agency" means the radiation regulatory agency established under
7 section 30-652.

8 2. "Board" means the medical radiologic technology board of examiners.

9 3. "Certificate" means a certificate granted and issued by the board.

10 4. "Certified technologist" means a person holding a certificate
11 granted and issued by the board.

12 5. "Direction" means responsibility for and control of the application
13 of ionizing radiation to human beings for diagnostic or therapeutic purposes.

14 6. "Ionizing radiation" means gamma rays and x-rays, alpha and beta
15 particles, high speed electrons, neutrons, protons and other nuclear
16 particles or rays.

17 7. "Leg" means that part of the lower limb between the knee and the
18 foot.

19 8. "Licensed practitioner" means a person licensed or otherwise
20 authorized by law to practice medicine, dentistry, osteopathy, podiatry,
21 chiropractic or naturopathic medicine in this state.

22 9. "Practical technologist in podiatry" means a person holding a
23 practical technologist in podiatry certificate granted and issued by the
24 board.

25 10. "Practical technologist in podiatry certificate" means a
26 certificate issued to a person, other than a licensed practitioner, who
27 applies ionizing radiation to the foot and leg for diagnostic purposes while
28 under the specific direction of a licensed practitioner.

29 11. "Practical technologist in radiology" means a person holding a
30 practical technologist in radiology certificate granted and issued by the
31 board.

32 12. "Practical technologist in radiology certificate" means a
33 certificate issued to a person, other than a licensed practitioner, who
34 applies ionizing radiation to specific parts of the human body for diagnostic
35 purposes while under the specific direction of a licensed practitioner.

36 13. "Radiologic technologist" means a person who holds a certificate
37 issued by the board that allows that person to apply ionizing radiation to
38 individuals at the direction of a licensed practitioner for general
39 diagnostic or therapeutic purposes.

40 14. "Radiologic technology" means the science and art of applying
41 ionizing radiation to human beings for general diagnostic or therapeutic
42 purposes.

1 15. "Radiologic technology certificate" means a certificate issued in
2 radiologic technology to a person with at least twenty-four months of
3 full-time study or its equivalent through an approved program and who has
4 successfully completed an examination by a national certifying body.

5 16. "Radiologist" means a licensed practitioner of medicine or
6 osteopathy who has undertaken a course of training which meets the
7 requirements for admission to the examination of the American board of
8 radiology or the American osteopathic board of radiology.

9 17. "RADIOLOGIST ASSISTANT" MEANS A PERSON WHO HOLDS A CERTIFICATE
10 PURSUANT TO SECTION 32-2819.

11 ~~17.~~ 18. "Unethical professional conduct" means the following acts,
12 whether occurring in this state or elsewhere:

13 (a) Intentional betrayal of a professional confidence or intentional
14 violation of a privileged communication except as required by law. This
15 subdivision does not prevent members of the board from the exchange of
16 information with the radiologic licensing and disciplinary boards of other
17 states, territories or districts of the United States or foreign countries.

18 (b) Use of controlled substances as defined in section 36-2501,
19 narcotic drugs, dangerous drugs or marijuana as defined in section 13-3401 or
20 hypnotic drugs, derivatives or any compounds, mixtures or preparations that
21 may be used for producing hypnotic effects or use of alcohol to the extent
22 that it affects the ability of the certificate or permit holder to practice
23 his profession.

24 (c) Using drugs for other than accepted therapeutic purposes.

25 (d) Gross malpractice.

26 (e) Acting or assuming to act as a member of the board if this is not
27 true.

28 (f) Procuring or attempting to procure a certificate or license by
29 fraud or misrepresentation.

30 (g) Having professional connection with or lending one's name to an
31 illegal practitioner of radiologic technology or any other health profession.

32 (h) Offering, undertaking or agreeing to correct, cure or treat a
33 condition, disease, injury, ailment or infirmity by a secret means, method,
34 device or instrumentality.

35 (i) Refusing to divulge to the board, on reasonable notice and demand,
36 the means, method, device or instrumentality used in the treatment of a
37 condition, disease, injury, ailment or infirmity. This subdivision shall not
38 apply to communication between a technologist or permit holder and a patient
39 with reference to a disease, injury, ailment or infirmity, or as to any
40 knowledge obtained by personal examination of the patient.

41 (j) Giving or receiving, or aiding or abetting the giving or
42 receiving, of rebates, either directly or indirectly.

43 (k) Knowingly making any false or fraudulent statement, written or
44 oral, in connection with the practice of radiologic technology.

(l) Refusal, revocation or suspension of a certificate or license by any other state, territory, district or country for reasons that relate to the person's ability to safely and skillfully practice radiologic technology or to any act of unprofessional conduct.

(m) Any conduct or practice which does or would constitute a danger to the health of the patient or the public.

(n) Obtaining a fee by fraud or misrepresentation or willfully or intentionally filing a fraudulent claim with a third party for services rendered or to be rendered to a patient.

(o) Employing uncertified persons to perform or aiding and abetting uncertified persons in the performance of work which can be done legally only by certified persons.

(p) Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation of or conspiring to violate the provisions of this chapter or a rule adopted by the board.

~~18-~~ 19. "Unlimited practical technologist in radiology" means a person holding an unlimited practical technologist in radiology certificate granted and issued by the board.

~~19-~~ 20. "Unlimited practical technologist in radiology certificate" means a certificate issued to a person in 1977 or 1978, other than a licensed practitioner, who applies ionizing radiation to the human body for diagnostic purposes while under the specific direction of a licensed practitioner.

Sec. 2. Section 32-2812, Arizona Revised Statutes, is amended to read:

32-2812. Application for certificate; qualifications; fee; exceptions

A. An applicant for a certificate shall submit an application for certification or an application for examination for certification, accompanied by a nonrefundable fee of sixty dollars. The application for certification fee may be prorated quarterly over the certification period. An applicant who has practiced radiography without certification shall pay a prorated fee retroactively to the earliest date of uncertified practice. The fee for a replacement certificate is ten dollars. The application for examination fee is seventy dollars and shall not be prorated. An application shall be verified by oath or affirmation and shall contain information that the applicant:

1. Is at least eighteen years of age.
2. Is of good moral character.
3. Has successfully completed OR OBTAINED:

(a) ~~Either~~ IN THE CASE OF APPLICATION FOR RADIOLOGIC TECHNOLOGIST CERTIFICATION, a four-year course of study in a secondary school approved by the board or an equivalent board approved course of study in addition to a course of study at a school of radiologic technology approved by the board.

(b) In the case of application for practical technologist in podiatry certification and practical technologist in radiology certification, high school or its equivalent as determined by the board with the advice of the

1 state board of education, and satisfactorily meets the basic requisites
2 determined by the board pursuant to section 32-2803.

3 (c) IN THE CASE OF APPLICATION FOR RADIOLOGIST ASSISTANT
4 CERTIFICATION, A BACCALAUREATE DEGREE OR POSTBACCALAUREATE CERTIFICATE FROM
5 AN ADVANCED ACADEMIC PROGRAM THAT ENCOMPASSES A NATIONALLY RECOGNIZED
6 RADIOLOGIST ASSISTANT CURRICULUM THAT INCLUDES A RADIOLOGIST-DIRECTED
7 CLINICAL PRECEPTORSHIP. AN APPLICANT FOR CERTIFICATION BEFORE APRIL 1, 2009
8 IS NOT REQUIRED TO HAVE A BACCALAUREATE DEGREE OR POSTBACCALAUREATE
9 CERTIFICATE, BUT MUST HAVE COMPLETED AN ADVANCED ACADEMIC PROGRAM THAT
10 ENCOMPASSES A NATIONALLY RECOGNIZED RADIOLOGIST ASSISTANT CURRICULUM THAT
11 INCLUDES A RADIOLOGIST-DIRECTED CLINICAL PRECEPTORSHIP.

12 B. If the application is in proper form and it appears that the
13 applicant meets the eligibility requirements, the applicant shall be notified
14 of the time and place of the next examination.

15 C. The board may accept, in lieu of its own examination, a valid
16 certificate issued on the basis of an examination by a certificate-granting
17 body recognized by the American medical association or the American
18 osteopathic association, or a certificate, registration or license issued by
19 another state if that state's standards for certification, registration or
20 licensure are satisfactory to the board.

21 D. The board may deny a certificate to an applicant who has committed
22 an act or engaged in conduct in any jurisdiction that resulted in a
23 disciplinary action against the applicant or that would constitute grounds
24 for disciplinary action under this chapter.

25 E. The board or chairman of the board may designate a representative
26 to approve or deny applications for certification.

27 Sec. 3. Title 32, chapter 28, article 2, Arizona Revised Statutes, is
28 amended by adding section 32-2819, to read:

29 32-2819. Radiologist assistants; certification; rules; scope of
30 practice

31 A. BEGINNING JANUARY 1, 2009, A PERSON WHO WISHES TO PRACTICE AS A
32 RADIOLOGIST ASSISTANT MUST APPLY TO THE BOARD FOR A CERTIFICATE ON A FORM AND
33 IN THE MANNER PRESCRIBED BY THE BOARD PURSUANT TO THE REQUIREMENTS OF SECTION
34 32-2812.

35 B. THE BOARD SHALL ADOPT RULES TO IMPLEMENT THIS SECTION. THE RULES
36 SHALL INCLUDE THE FOLLOWING:

37 1. CONTINUING EDUCATION REQUIREMENTS.

38 2. ANY OTHER REQUIREMENTS THE BOARD CONSIDERS APPROPRIATE TO IMPLEMENT
39 THIS SECTION.

40 C. PURSUANT TO RULES ADOPTED BY THE BOARD, A RADIOLOGIST ASSISTANT MAY
41 DO THE FOLLOWING UNDER THE DIRECT SUPERVISION OF A RADIOLOGIST:

42 1. PERFORM FLUOROSCOPIC PROCEDURES.

43 2. ASSESS AND EVALUATE THE PHYSIOLOGIC AND PSYCHOLOGICAL
44 RESPONSIVENESS OF PATIENTS UNDERGOING RADIOLOGIC PROCEDURES.

1 3. EVALUATE IMAGE QUALITY, MAKE INITIAL IMAGE OBSERVATIONS AND
2 COMMUNICATE OBSERVATIONS TO THE SUPERVISING RADIOLOGIST.

3 4. ADMINISTER CONTRAST MEDIA OR OTHER MEDICATIONS PRESCRIBED BY THE
4 SUPERVISING RADIOLOGIST.

5 5. PERFORM ANY OTHER PROCEDURES CONSISTENT WITH RULES ADOPTED BY THE
6 BOARD.

7 D. IN ADOPTING RULES PURSUANT TO SUBSECTION C OF THIS SECTION, THE
8 BOARD SHALL CONSIDER GUIDELINES ESTABLISHED BY THE AMERICAN COLLEGE OF
9 RADIOLOGY, THE AMERICAN SOCIETY OF RADIOLOGIC TECHNOLOGISTS AND THE AMERICAN
10 REGISTRY OF RADIOLOGIC TECHNOLOGISTS.

11 E. A RADIOLOGIST ASSISTANT SHALL NOT INTERPRET IMAGES, MAKE DIAGNOSES
12 OR PRESCRIBE MEDICATIONS OR THERAPIES.

13 F. A RADIOLOGIST WHO SUPERVISES A RADIOLOGIST ASSISTANT MAY AUTHORIZE
14 THE ASSISTANT TO PERFORM ONLY THOSE RADIOLOGIC PROCEDURES DESCRIBED IN THIS
15 SECTION.

16 G. A PERSON SHALL NOT DO ANY OF THE FOLLOWING WITHOUT A CERTIFICATE
17 ISSUED PURSUANT TO THIS SECTION:

18 1. PERFORM THE RADIOLOGIC PROCEDURES DESCRIBED IN SUBSECTION C OF THIS
19 SECTION.

20 2. CLAIM TO BE A RADIOLOGIST ASSISTANT, INCLUDING USING ANY SIGN,
21 ADVERTISEMENT, CARD, LETTERHEAD, CIRCULAR OR OTHER WRITING, DOCUMENT OR
22 DESIGN TO INDUCE OTHERS TO BELIEVE THE PERSON IS AUTHORIZED TO PRACTICE AS A
23 RADIOLOGIST ASSISTANT.

24 H. SUBSECTION G OF THIS SECTION DOES NOT APPLY TO EITHER OF THE
25 FOLLOWING:

26 1. A PERSON ENGAGING IN THE SCOPE OF PRACTICE FOR WHICH THE PERSON
27 HOLDS A VALID LICENSE OR CERTIFICATE.

28 2. A PERSON PERFORMING A TASK AS PART OF AN ADVANCED ACADEMIC PROGRAM.

29 Sec. 4. Section 32-2821, Arizona Revised Statutes, is amended to read:

30 32-2821. Revocation or suspension of certificate; other
31 disciplines; grounds; procedures; penalty; judicial
32 review

33 A. The certificate of a technologist, RADIOLOGIST ASSISTANT or permit
34 holder may be suspended for a fixed period, or may be revoked, or the
35 technologist OR RADIOLOGIST ASSISTANT may be censured, reprimanded or
36 otherwise disciplined, if after a hearing pursuant to title 41, chapter 6,
37 article 10 it is determined that the holder of the certificate or permit:

38 1. Is guilty of any fraud or deceit in activities as a technologist OR
39 RADIOLOGIST ASSISTANT or has been guilty of any fraud or deceit in procuring
40 or maintaining a certificate.

41 2. Has been convicted in a court of competent jurisdiction of a crime
42 involving moral turpitude. If the conviction has been reversed and the
43 holder of the certificate or permit has been discharged or acquitted or if
44 the holder of the certificate or permit has been pardoned or the holder's
45 civil rights have been restored, the certificate may be restored.

1 3. Is an habitual drunkard or is addicted to the use of morphine,
2 cocaine or other drugs having similar effect, is insane or uses
3 hallucinogens.

4 4. Has knowingly aided or abetted a person, not otherwise authorized,
5 who is not a certified technologist OR RADIOLOGIST ASSISTANT or has not been
6 issued a special permit in engaging in the activities of a technologist OR
7 RADIOLOGIST ASSISTANT.

8 5. Has undertaken or engaged in any practice beyond the scope of the
9 authorized activities of a certified technologist, RADIOLOGIST ASSISTANT or
10 permit holder pursuant to this chapter.

11 6. Has impersonated a duly certified technologist, RADIOLOGIST
12 ASSISTANT or permit holder or former duly certified technologist, RADIOLOGIST
13 ASSISTANT or permit holder or is engaging in the activities of a
14 technologist, RADIOLOGIST ASSISTANT or permit holder under an assumed name.

15 7. Has been guilty of unethical professional conduct.

16 8. Has continued to practice without obtaining a certificate renewal
17 or a special permit renewal.

18 9. Has applied ionizing radiation to a human being when not operating
19 in each particular case under the direction of a duly licensed practitioner
20 or to any person or part of the human body other than specified in the law
21 under which the practitioner is licensed.

22 10. Has acted or is acting as an owner, co-owner or employer in any
23 enterprise engaged in the application of ionizing radiation to human beings
24 for the purpose of diagnostic interpretation or the treatment of disease,
25 without being under the direction of a licensed practitioner.

26 11. Has used or is using the prefix "Dr.", the word "doctor" or any
27 prefix or suffix to indicate or imply that the person is a duly licensed
28 practitioner if this is not true.

29 12. Is or has been guilty of incompetence or negligence in activities
30 as a technologist.

31 13. Is or has been afflicted with any medical problem, disability or
32 addiction, that the board determines impairs the certificate or permit
33 holder's professional competence.

34 14. Has interpreted a diagnostic image for a physician, a patient, the
35 patient's family or the public.

36 B. Proceedings pursuant to this section against any certified
37 technologist, RADIOLOGIST ASSISTANT or permit holder shall begin by filing
38 with the board a written charge or charges under oath against the
39 technologist, RADIOLOGIST ASSISTANT or permit holder. The charges may be
40 ~~preferred~~ REFERRED by any person, corporation, association or public officer
41 or by the board on its own motion. A copy of the charges, together with a
42 report of the investigation as the board deems proper, shall be referred to
43 the chairman of the board for review. If the chairman decides that the
44 charges should be heard, the chairman shall designate three or more members
45 of the board as a committee to hear and report on the charges and shall set a

1 time and place for the hearing pursuant to title 41, chapter 6, article 10.
2 A copy of the charges, together with a notice of the time and place of
3 hearing, shall be served on the person charged either personally or by
4 certified mail at least twenty days before the date fixed for the hearing.
5 The board or its committee may issue subpoenas for the appearance of
6 witnesses and to take testimony under oath.

7 C. If the certificate of any person has been revoked or suspended the
8 board may, after the expiration of two years, entertain an application for
9 restoration of the certificate under conditions to be prescribed by the board
10 for each individual case.

11 D. The board may impose a penalty of not to exceed two hundred fifty
12 dollars for each violation of this section. The board shall deposit,
13 pursuant to sections 35-146 and 35-147, monies collected pursuant to this
14 subsection in the state general fund.

15 E. Except as provided in section 41-1092.08, subsection H, a person
16 may appeal a final board decision to the superior court pursuant to title 12,
17 chapter 7, article 6.

18 F. The board may issue a nondisciplinary order requiring the
19 certificate holder or permit holder to complete a prescribed number of hours
20 of continuing education in an area or areas prescribed by the board to
21 provide the certificate holder or permit holder with the necessary
22 understanding of current developments, skills, procedures or treatment.

23 Sec. 5. Exemption from rule making

24 For the purposes of this act, the medical radiologic technology board
25 of examiners is exempt from the rule making requirements of title 41, chapter
26 6, Arizona Revised Statutes, for one year after the effective date of this
27 act.

APPROVED BY THE GOVERNOR MAY 20, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2008.